

REMARKS

Claims 1-10 remain pending in the application. Claims 1 and 5 have been amended. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicant would like to thank the Examiner for the interview held on June 2, 2005, and thank the Examiner for withdrawing the finality of the Office Action mailed January 19, 2005.

Applicant wishes to clarify the record with respect to the substance of the interview. During the interview on June 2, 2005, the Examiner indicated that he would withdraw the finality of the Office Action mailed January 19, 2005 if the claims were amended to recite (in the preamble) a "single objective lens", rather than an "objective lens". Applicant's representative indicated he would need to consult with Applicant before making such an amendment.

On June 15, 2005, Applicant's representative telephoned the Examiner to authorize the Examiner to prepare an Examiner's Amendment which amends claims 1-10 to recite a "single objective lens", rather than an "objective lens" in all instances. Applicant authorized this amendment solely for the purpose of expediting prosecution and allowance of the present application. However, there is no evidence in the record that the Examiner ever prepared an Examiner's Amendment including the above-noted amendment to the claims. On October 5, 2005, Applicant's representative telephoned the Examiner to confirm that he had not prepared an Examiner's Amendment. During this conversation, the Examiner stated that he had not, to his recollection, prepared an Examiner's Amendment.

In the Office Action mailed July 7, 2005, the Examiner treated claims 1-10 as if claims 1-10 had been amended to recite a "single objective lens", rather than an "objective lens". However, as noted above, the Examiner has not prepared an Examiner's Amendment including these amendments, nor has Applicant filed a paper including such amendments. Further, since the Examiner has indicated, in the Office Action mailed July 7, 2005, that such amendments, in his opinion, do not place the claims in condition for allowance, Applicant hereby withdraws any previous authorization given to the Examiner to amend the claims in this fashion.

In the Office Action mailed July 7, 2005, the Examiner asserted that the term "configured", as it appeared in claims 1 and 5, is not clearly defined in the specification. To address the Examiner's concerns, Applicant has amended claims 1 and 5 to recite "having", rather than "configured to maintain".

In the Office Action, the Examiner rejects claims 1-3 and 8 under 35 U.S.C. §102(b) as being anticipated by Kittaka et al. (U.S. Patent No. 6,078,431). Applicant respectfully traverses the rejection for at least the following reasons.

The present invention is directed towards an objective lens for an optical pick-up that converges a parallel light beam onto a recording layer of an optical medium. The objective lens includes a single glass plano-convex lens having a rotationally symmetrical convex aspherical surface at the incident side of the parallel light beam and a numerical aperture of at least 0.7.

Kittaka is directed towards an object lens system which includes a rod lens 1. Kittaka's rod lens 1 includes a convex spherical surface 1a. See col. 4, lines 19-27. In

contrast, the single glass plano-convex lens of Applicant's claimed invention has an ***aspherical*** surface.

Thus, Applicant respectfully submits that Kittaka fails to disclose or suggest a single glass plano-convex lens having a rotationally symmetrical convex aspherical surface, as recited in independent claim 1. For at least these reasons, Applicant respectfully submits that the 35 U.S.C. §102(b) of independent claim 1 is improper, and requests withdrawal of the rejection.

In the rejection, the Examiner apparently relied upon col. 1, lines 1-40 with respect to the "aspherical" recitation. However, the Examiner's reliance thereon is misplaced. The portion of the Kittaka disclosure upon which the Examiner relies is related to the prior art of Kittaka. Thus, the disclosure clearly teaches away from the use of aspherical lenses.

Dependent claims 2, 3 and 8 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claim 1.

In the Office Action, the Examiner rejected claims 1-3, 6 and 8 under 35 U.S.C. §102(a) as being anticipated by the Melles Griot on-line catalog. Applicant respectfully traverses the rejection for at least the following reasons.

Applicants respectfully submit that for a printed publication to qualify as prior art under 35 U.S.C. §102(a), it must have been printed before the effective filing date of Applicant's application. Since the Examiner has not submitted any evidence of the publication date of the Melles Griot catalog, Applicant respectfully submits that it does not qualify as prior art under 35 U.S.C. §102(a). Applicant submits that the rejection is improper for at least the following reasons as well.

The Melles Griot catalog includes several plano-convex glass lenses. However, Applicant submits that the Melles Griot catalog does not disclose that any of the lenses have an “aspherical” convex surface as explicitly recited in the pending claims.

Thus, Applicant respectfully submits that the Melles Griot catalog fails to disclose or suggest a single glass plano-convex lens having a rotationally symmetrical convex aspherical surface, as recited in independent claim 1. For at least these reasons, Applicant respectfully submits that the 35 U.S.C. §102(a) of independent claim 1 is improper, and requests withdrawal of the rejection.

Dependent claims 2, 3, 6 and 8 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claim 1.

In the Office Action, the Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Kittaka et al. in view of Kiriki et al. (U.S. Patent No. 6,349,083); rejected claim 6 under 35 U.S.C. §103a) as being unpatentable over Kittaka et al. in view of Jutte et al. (U.S. Patent No. 6,147,956); rejected claims 5, 7 and 9 under 35 U.S.C. §103a) as being unpatentable over Kittaka et al. in view of Awano et al. (U.S. Patent No. 6,657,927); and rejected claim 10 under 35 U.S.C. §103a) as being unpatentable over Kittaka et al. in view of Brezockzky et al. (U.S. Patent No. 5,351,229). Applicant respectfully traverses these rejections for at least the following reasons.

Kiriki is directed towards an objective lens, for use in an optical pickup device, made of a plastic material. See col. 1, lines 56-63. In contrast, the single plano-convex lens of Applicant’s claimed invention is made of glass. Thus, Applicant submits that Kiriki does not anticipate or suggest Applicant’s present invention and cannot overcome the above-noted deficiencies of the primary reference.

Jutte is directed towards an objective lens which has a convex surface and a concave surface. See Abstract. In contrast, the single glass lens of Applicant's claimed invention is a plano-convex lens. Further, Jutte's lens does not have a numerical aperture of at least 0.7, as does Applicant's claimed invention. Thus, Applicants submits that Jutte does not anticipate or suggest Applicant's present invention.

As noted above with respect to claim 1, Kittaka's objective lens does not include an aspherical convex surface. Applicant submits that there is no motivation to modify Kittaka, in view of either Kiriki or Jutte, such that Kittaka's lens has an aspherical convex surface, since Kittaka expressly teaches away from such modification. Applicant draws the Examiner's attention to col. 1, lines 34-40 of Kittaka, which discusses a disadvantage of aspherical lenses (difficulty of miniaturization).

With respect to Awano and Brezockzky, Applicant respectfully submits that Awano and Brezockzky fail to disclose a lens having an aspherical convex surface, and again submits that Kittaka expressly teaches away from an aspherical convex surface.

Thus, Applicant respectfully submits that the combination of Kittaka and any of Kirki, Jutte, Awano, and Brezockzky fails to disclose or submit a single glass plano-convex lens having a rotationally symmetrical convex aspherical surface, and a numerical aperture of at least 0.7, as recited in independent claims 1 and 5. For at least these reasons, Applicant respectfully submits that the 35 U.S.C. §103(a) rejections of claims 4-7, 9 and 10 are improper, and request withdrawal of the rejections.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

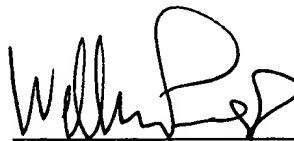
SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicant has made a sincere effort to place the present invention in condition for allowance and believes that he has now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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